

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

KERRI THOMAS,

Plaintiff,

versus

UNITED STATES OF AMERICA,

Defendant.

Civil Action File No.

COMPLAINT

KERRI THOMAS, Plaintiff in the above-styled action, brings this Complaint for Damages pursuant to the Federal Tort Claims Act, against Defendant, UNITED STATES OF AMERICA, and shows the Court the following:

1.

This Court has jurisdiction under the Federal Tort Claims Act, 28 U.S.C. § 2671 - 2680, and the provisions of 28 U.S.C. §1346(b).

2.

Pursuant to the provisions of 28 U.S.C. § 2675, on or about May 2, 2025, Plaintiff provided written notice to the United States government of her claim for money damages.

3.

Plaintiff's written notice pursuant to 28 U.S.C. § 2675 was presented to Defendant via the Transportation Security Administration ("TSA") and delivered on May 2, 2025 via Federal Express Overnight delivery (Tracking No. 880920678146).

4.

Defendant, through the Transportation Security Administration, confirmed receipt of Plaintiff's Claim against the United States under the Federal Tort Claims Act (FTCA) and confirmed that Plaintiff's claim was presented on May 2, 2025. (Exhibit 1).

5.

On November 2, 2025, the six (6) month period from May 2, 2025, for Defendant to complete its adjudication expired.

6.

Plaintiff is, and at all times material to this action has been, a resident of Georgia.

7.

Venue is proper in this Court because the incident occurred in this district. 28 U.S.C. § 1402(b).

8.

Service and service of process is proper as to Defendant.

9.

On May 21, 2024, at approximately 5:00 A.M., Plaintiff arrived at the North Security checkpoint at Atlanta Hartsfield-Jackson airport and informed a Transportation Security Administration (TSA) employee or agent that Plaintiff had a spinal cord stimulator implant.

10.

Plaintiff retrieved her medical identification card, held it in her hand, and attempted to show the Transportation Security Administration employee or agent the medical identification card.

11.

The Transportation Security Administration employee or agent ignored Plaintiff's medical identification card.

12.

Plaintiff repeatedly asked one or more Transportation Security Administration employees or agents to be taken to a private room to be patted down rather than be forced to go through the metal detector or advanced imaging technology screening machine.

13.

After the Transportation Security Administration employee or agent ignored Plaintiff's medical identification card and Plaintiff's pleas to be screened via pat-down, the Transportation and Security Administration employee or agent stated, "the only way you are getting on the plane is to go through the machine."

14.

Thereafter, Defendant, through the Transportation Security Administration and its employees or agents, instructed Plaintiff to walk towards the x-ray and advanced imaging technology machine.

15.

When Plaintiff arrived near the advanced imaging technology machine, Plaintiff alerted another Transportation Security Administration employee or agent of her medical condition. In response, the Transportation Security Administration employee or agent negligently told Plaintiff that the machine had been "adjusted" and/or "recalibrated" so as to not have any detrimental effect on her spinal cord stimulator.

16.

Despite Plaintiff's repeated attempts to undergo a pat-down screening, Defendant, through the Transportation Security Administration and its employees or agents, instructed Plaintiff to enter the advanced imaging technology screening

machine. Then, Defendant, through the Transportation Security Administration and its employees or agents, activated the machine.

17.

Plaintiff felt a shock and immediate pain from the screening machine destroying her spinal cord stimulator.

18.

At all relevant times, the non-discretionary policy and procedure dictated the proper method for Transportation Security Administration and its employees and agents to follow was to accommodate Plaintiff's request for a pat-down screening, especially given Plaintiff presented Defendant, through the Transportation Security Administration and its employees and agents, with her medical identification card rather than force Plaintiff into an x-ray machine or advanced imaging technology machine due to Plaintiff's medical condition.

19.

Defendant, through one or more of Transportation Security Administration's employees or agents, did not follow the aforementioned non-discretionary policy and procedure, resulting in Plaintiff suffering injuries and damages.

20.

One or more of Transportation Security Administration's employees or agents knew or should have known that the machine in which Plaintiff was forced

to enter had not been recalibrated or adjusted so as to not cause harm to her spinal cord stimulator.

21.

At all times material hereto, the unidentified Transportation Security Administration employees or agents were employees of, and acting in the course and scope of their employment with the Transportation and Security Administration an agency or subdivision of Defendant.

22.

Defendant, through the Transportation Security Administration and its employees and agents, violated a non-discretionary duty to Plaintiff by not providing a pat-down screening and, instead, required Plaintiff to undergo a machine screening, which caused Plaintiff's injuries and damages.

23.

Defendant, through the Transportation Security Administration and its employees and agents, violated a mandatory requirement that Plaintiff be screened via pat-down after Plaintiff requested a pat-down screening due to her medical condition.

24.

Defendant, through the Transportation Security Administration and its employees and agents, violated policies and procedures that were mandatory and

non-discretionary operational directives, which were the direct and proximate cause of Plaintiff's injuries and damages.

25.

As a result of Defendant's negligence, Plaintiff suffered injuries and tangible damages and intangible damages, requiring medical treatment, including surgery. Plaintiff incurred reasonable, necessary, and substantial medical and other healthcare expenses and will continue to incur medical treatment and expenses in the future.

26.

At all relevant times, Defendant, through the Transportation Security Administration and its employees and agents, owed a duty of ordinary care in screening passengers (e.g., x-ray screening, advanced imaging technology screening, pat down screenings, etc.).

27.

At all relevant times, Defendant, through the Transportation Security Administration and its employees and agents, owed a duty of ordinary care in screening passengers (i.e., x-ray screening, advanced imaging technology screening, private-room pat down screenings, etc.) with implanted devices such as spinal cord stimulators.

28.

Defendant, through the Transportation Security Administration, had policies and procedures in place that mandated: “If [Plaintiff]” cannot or choose[s] not to be screened by advanced imaging technology or a walk-through metal detector, [Plaintiff] **will** undergo a pat-down procedure instead.”

29.

Defendant, through the Transportation Security Administration, owed Plaintiff a non-discretionary duty of ordinary care under Georgia law to safely screen her, including accommodating Plaintiff’s medical condition by honoring her requests for pat-downs instead of forcing a machine screening.

30.

Defendant, through the Transportation Security Administration, owed Plaintiff a non-discretionary duty of ordinary care to warn Plaintiff that the body scanner that Plaintiff was forced to enter had, in fact, not be recalibrated or adjusted so as to not affect her spinal cord stimulator.

31.

Defendant, through the Transportation Security Administration and its employees or agents, caused the subject incident as they did not follow the aforementioned mandatory and non-discretionary policy and procedure when Plaintiff presented Defendant, through the Transportation Security Administration

and its employees or agents, with her medical identification card and requested that she be screened via pat-down, resulting in Plaintiff suffering injuries and damages because her spinal cord stimulator was destroyed, requiring medical treatment including surgery.

32.

Defendant, through the Transportation Security Administration and its employees or agents, caused the subject incident because Defendant failed to warn Plaintiff that the scanner in which Plaintiff was forced to enter was unsafe given her medical condition, including the spinal cord stimulator implant.

33.

Defendant's negligence, through the Transportation Security Administration and its employees or agents, constitutes the direct and proximate cause of the injuries and damages that Plaintiff suffered.

34.

Defendant is responsible for Transportation Security Administration employees' and agents' negligence under the doctrine of *respondeat superior* or vicarious liability.

35.

At all times material hereto, Plaintiff conducted herself in a safe and lawful manner and did not in any way cause or contribute to the circumstances which caused her to sustain serious bodily injury.

36.

As a direct and proximate result Defendant's negligence, through the Transportation Security Administration and its employees or agents, Plaintiff suffered and will continue to suffer the following:

- a. past, present, and future physical and mental pain and suffering;
- b. past, present, and future loss of enjoyment of life;
- c. past, present, and future physical and medical treatment and expenses;
- d. past, present, and future mental anguish;
- e. past, present, and future loss of earnings and income;
- f. past, present, and future loss of ability to labor and earn money, as well as other damages, including damages related to lost property from this incident; and
- g. permanent injuries.

37.

By reason of the foregoing, Plaintiff is entitled to recover from Defendant compensatory and other damages in such amounts as may be shown by the evidence at trial and determined in the enlightened conscience of the jury.

WHEREFORE, Plaintiff prays and respectfully demands verdict and judgment as follows:

- a. That Summons and Process issue and that the named Defendant be served with a copy of this Complaint and that Defendant be required to appear and answer;
- b. That Plaintiff has judgment against Defendant in an amount the jury finds will compensate Plaintiff for her injuries and damages, general, compensatory, consequential and special, which have been sustained;
- c. That Defendant be charged with all Court costs attributable to this action and such other costs reasonably incurred in the prosecution and trial of this case; and,
- d. That Plaintiff be granted such other and further relief as may be shown by the evidence and the law, and as this Court may deem just and appropriate;
- e. Plaintiff hereby demands a jury trial for all issues so triable.

This 18th day of February, 2026.

RICE MCGOWAN & BRANDT

/s/Preston A. Dunaway

Preston A. Dunaway

Georgia State Bar No. 644789

Attorney for Plaintiff

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) 1:26-cv-0958 MHC 360 28:1346pi

I. (a) PLAINTIFFS

Kerri Thomas

(b) County of Residence of First Listed Plaintiff Laurens County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Rice McGowan Brandt, 3715 Northside Parkway, Building 200, Suite 850, Atlanta, Georgia 30327

DEFENDANTS

United States of America

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Theodore Hertzberg, 75 Ted Turner Drive, SW, Suite 600, Atlanta, Georgia 30303

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF, DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Real Property, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. 2671-2680 (Federal Tort Claims Act)

Brief description of cause: An action to recover damages for personal injury related to acts/omissions of Defendant and its agency Transportation Security Administration

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

2/18/2026 /s/Preston Dunaway

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.